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Application of: Robert Frigg

Confirmation No.: 3166

Application No.: 10/735,854

Group Art Unit: 3731

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Examiner: Shaffer, Richard R.

For: OSTEOSYNTHETIC IMPLANT WITH AN
EMBEDDED HINGE JOINT

Attorney Docket No.: 8932-894-999
CAM No.: 232200-999229

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

SYNTHES (U.S.A.) is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,663,632 B1 ("the '632 Patent") by virtue of an assignment from the inventor Robert Frigg to SYNTHES (USA) that was recorded on November 17, 2000 at Reel 014044, Frame 0870.

SYNTHES (U.S.A.) is also the assignee of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/735,854) by virtue of the same assignment.

SYNTHES (U.S.A.) hereby disclaims the terminal part of any patent granted on the above-identified patent application that would extend beyond the expiration date of the '632 Patent, and hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that said patent is commonly owned with the '632 Patent.

SYNTHES (U.S.A.) further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

SYNTHES (U.S.A.) does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration dates of the full statutory term of

the '744 Patent in the event that the '744 Patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a) or (b), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of Petitioner pursuant to 37 C.F.R. 1.321(b)(1)(iv).

Date: July 27, 2007

Respectfully submitted,



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